

OFFICIAL GAZETTE



GOVERNMENT OF GOA

NOTE: 1- There is one Extraordinary issue to the Official Gazette, Series II No. 17 dated 27-7-95, namely, Extraordinary dated 28-7-95 from pages 169 to 172 regarding Order and Notifications from Public Health Department and Revenue Department.

2 The date on the page 164 of the Official Gazette (Extraordinary No. 3) Series II No. 16 may be corrected as 21-7-1995 instead of 16-7-1995.

GOVERNMENT OF GOA

Department of Personnel

Order

No. 3/33/93-PER

On placement of his services at the disposal of the Govt. of Goa by the Govt. of India, Ministry of Home Affairs, New Delhi vide their order No. 14020/17/95-UTS dated 5-7-1995 the Government of Goa is pleased to appoint Dr. G. C. Srivastava, IAS (AGMU: 67) as Chief Secretary to the Government of Goa with effect from 17-7-1995 (AN).

By order and in the name of the Governor of Goa.

S. S. Keshkamati, Under Secretary (Personnel).

Panaji, 17th July, 1995.

Education Department

Order

No. 16/13/92/EDN-Part

The adhoc appointment of Shri B. R. Kulkarni, Lecturer in Mechanical Engineering, Goa College of Engineering, Farmagudi, is hereby extended for a period of six months w.e.f. 7-8-1995 or till the post is filled up on regular basis, whichever is earlier, on the same terms and conditions.

By order and in the name of the Governor of Goa.

G. J. Prabhudessai, Under Secretary (Education).

Panaji, 4th May, 1995.

Department of Animal Husbandry and Veterinary Services

Order

No. 2/14/93/AH

On the recommendation of the Goa Public Service Commission as conveyed vide their letter No. COM/I/3/3(1)/94 dated 7-11-1994, the Government is pleased to appoint the following Officers to the post of Veterinary Officer, Group 'B' Gazetted in the Directorate of Animal Husbandry & Veterinary Services, Panaji on regular basis in the pay scale of Rs. 2000-60-2300-EB-75-3200-100-3500 plus other

allowances with effect from 1st January, 1995 as per the postings indicated against their names:

Sr. No.	Name of the Officer	Place of posting
1.	Dr. Agostinho A. R. Misquita	Veterinary Dispensary, Loutulim.
2.	Dr. Prakash M. Rane	Veterinary Dispensary, Usgao.
3.	Dr. Marwin Lopes	Veterinary Dispensary, Shiroda.
4.	Dr. Prashant V. Naik	Veterinary Dispensary, Poinguinim.
5.	Dr. Satyavan B. Naik	Veterinary Dispensary, Netravallim.
6.	Dr. Veena S. Kumar	Govt. Poultry Farm, Ela-Old-Goa.

The pay of the above Officers shall be fixed as per the rules.

They shall be on probation for a period of two years.

By order and in the name of the Governor of Goa.

D. H. Kenowadekar Under Secretary (Animal Husbandry)
Panaji, 16th March, 1995.

Department of Cooperation

Office of the Asstt. Registrar of Cooperative Societies and Ex-Officio Jt. Secretary

Order

No. RES-(a)-37/NZ/Goa

Read:- This office order No. RES-(a)-37/NZ/Goa dated 29-12-92 taking Pedne Toddy Tappers Coop. Credit Society Ltd., Arombal-Pedne-Goa into liquidation and appointing Shri G. R. Tendulkar as a liquidator of the society.

In partial modification of this office order cited above, Shri V. R. Ghaisas, Special Auditor of Coop. societies, North Zone, Mapusa-Goa is hereby appointed as the liquidator of Pedne Taluka Toddy Tappers Coop. Credit Society Ltd., Arombal-Pedne, Goa in place of Shri G. R. Tendulkar, with effect from the date of taking over the charge of the society.

Vikas Mardolkar, Asstt. Registrar of Coop. Societies (North Zone).

Mapusa, 24th February, 1995.

Order

No. RES-(a)-84/NZ/Goa

Read:- This office order No. RES-(a)-84/NZ/Goa dated 12-7-93 taking Madhubani Coop. Housing Society

Ltd., Assagao-Goa into liquidation and appointing Shri G. R. Tendulkar as a liquidator of the society.

In partial modification of this office order cited above, Shri M. B. Bhavasar, Special Recovery Officer, Coop. Societies, North Zone, Mapusa-Goa is hereby appointed as the Liquidator of Madhubal Coop. Housing Society Ltd., Assagao-Goa in place of Shri G. R. Tendulkar, with effect from the date of taking over the charge of the society.

Vikas Mardolkar, Asstt. Registrar of Coop. Societies (North Zone).

Mapusa, 24th February, 1995.

Order

No. RES-(a)-52/NZ/Goa

Read:- This office order No. RES-(a)-52/NZ/Goa dated 28-9-92 taking Nirupa Fishnet Empl. Coop. Credit society Ltd., Karaswada into liquidation and appointing Shri G. R. Tendulkar, Coop. Officer as a liquidator of said society.

In partial modification of this office order cited above, Shri S. V. Kale, Sr. Auditor, Coop. Societies, North Zone, Mapusa-Goa is hereby appointed as the liquidator of Nirupa Fishnet Empl. Coop. Credit Society Ltd., Karaswada-Mapusa-Goa in place of Shri G. R. Tendulkar with effect from the date of taking over the charge of the society.

Vikas Mardolkar, Asstt. Registrar of Coop. Societies (North Zone).

Mapusa, 24th February, 1995.

Order

No. CON-22/NZ/Goa

Read: 1. This office order No. CON/22/NZ/Goa dated 30-12-93 taking Reis Magos Cons. Coop. Society Ltd., Betim-Goa into liquidation in terms of section 102 (1) and appointing Liquidator in terms of section 103 (1) of the Maharashtra Coop. Societies Act, 1960 as applied to the State of Goa.

2. Final Report of the liquidation proceedings of Reis Magos Cons. Coop. Society Ltd., Betim-Goa dated 25-8-94 in terms of 109 (2) of Maharashtra Coop. Societies Act, 1960 as applied to the State of Goa.

In virtue of the powers vested in me under provision of section 109 (2) and 21 of Maharashtra Coop. Societies Act, 1960 as applied to the State of Goa, I, Vikas Mardolkar, Asstt. Registrar of Coop. Societies, North Zone, Mapusa-Goa hereby terminate the liquidation proceedings and cancel the registration bearing No. CON-22/NZ/Goa dated 26-5-92 of the Reis Magos Cons. Coop. Society Ltd., Betim-Goa with effect from the date of issue of this order.

Vikas Mardolkar, Asstt. Registrar of Coop. Societies (North Zone).

Mapusa, 31st January, 1995.

Notification

In exercise of the powers vested in me under section 9(1) of the Maharashtra Cooperative Societies Act, 1960 as applied to the State of Goa. The Porvorim Urban Cooperative Credit Society Ltd., Porvorim is registered under code symbol No. RES-(a)-15/NZ/Goa.

Vikas Mardolkar, Asstt. Registrar of Coop. Societies, (North Zone).

Mapusa, 24th February, 1995.

Certificate of Registration

The Porvorim Urban Cooperative Credit Society Ltd., Porvorim has been registered on 24th Feb, 1995 and bears registration Code symbol No. RES-(a)-15/NZ/Goa and it is classified as a "Resource Society" under Sub-Classification No. 8(a) "Credit Resource Society" in terms of Rule No. 9 of the Cooperative Societies Rules, 1962 for the State of Goa.

Vikas Mardolkar, Asstt. Registrar of Coop. Societies, (North Zone).

Mapusa, 24th February, 1995.

Notification

No. 5-551-1995/ARSZ/Hsg

In exercise of the powers vested in me under section 9(1) of the Maharashtra Cooperative Societies Act, 1960 as applied to the State of Goa, Sareena Cooperative Housing Society Ltd. Borda-Margao-Goa is registered under Code symbol No. HSG-(b)-101/South Goa/95.

Sd/- (R. V. Sail), Asstt. Registrar of Coop. Societies, (South Zone), Margao-Goa.

Margao, 6th March, 1995.

Certificate of Registration

Sareena Cooperative Housing Society Ltd. Borda. Margao-Goa has been Registered on 6-3-1995 and it bears registration code symbol No. HSG-(b)-101/South Goa/95 and it is classified of "Housing Society" under Sub-classification 5-(b)-Tenant Copartnership Housing Society in terms of Rule 9 of the Cooperative Societies Rules 1962 for the State of Goa.

Sd/- (R. V. Sail), Asstt. Registrar of Coop. Societies, (South Zone), Margao-Goa.

Margao, 6th March, 1995.

Transport Department

Notification

No. 7/3/89-TPT(Part 3) Vol. II

In pursuance of Article 66 of the Articles of Association of the Konkan Railway Corporation Limited and in supersession of Government Notification No. 7/3/89-TPT (Part 3) Vol. II/PF dated 23-1-1995, published in the Official Gazette, series II No. 46 dated 16-2-95, the Government of Goa hereby nominates Smt. Geeta Sagar, Secretary (Transport), Government of Goa, as an alternate Director on the Board of Directors of the said Company with immediate effect.

By order and in the name of the Governor of Goa,

Celina Dias e Caldeira, Under Secretary (Transport).

Panaji, 19th June, 1995.

Revenue Department

Notification

No. 22/26/95-RD

Whereas it appears to the Government of Goa (hereinafter referred to as "the Government") that the land specified in the Schedule appended hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Construction of an extension of G. P. S. bldg. at Ghot-morod, Kakoda in village Xeldem of Quepem Taluka.

Now, therefore, the Government hereby notifies under sub-section (1) of section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as the "said Act"), that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contract for the disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector, appointed under paragraph 4 below, after the date of the publication of this notification, will, under clause (seventh) of section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under section 6 of the said Act will be published in the Official Gazette and in two daily newspapers and public notice thereof shall be given in due course. If the acquisition is abandoned wholly or in part, the fact will also be notified in the same manner.

4. The Government further appoints, under clause (c) of section 3 of the said Act, the Dy. Collector/S.D.O., Quepem, to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government also authorises, under sub-section (2) of section 4 of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector, South Goa District, Margao-Goa.
2. The Deputy Collector/SDO, Quepem.
3. The Director of Education, Panaji-Goa.
4. The Director of Settlement and Land Records, Panaji-Goa.

6. A rough plan of the said land is available for inspection in the Office of the Dy. Collector/S. D. O., Quepem, for a period of 30 days from the date of publication of this Notification in Official Gazette.

SCHEDULE

(Description of the said land)

Taluka: Quepem		Village: Xeldem
Survey No./ Sub. Div. No.	Name of the persons believed to be interested	Approximate area in sq. mts.
1	2	3
72/8 part.	Shri Joaquim Antonio Rodrigues.	4000
Boundaries:		
North: S. No. 72/8.		
South: Canal.		
East: Village Cacora.		
West: S. No. 72/8.		
Total		4000

By order and in the name of the Governor of Goa.

R. T. Khorjuvankar, Under Secretary (Revenue).

Panaji, 7th June, 1995.

Department of Labour

Order

No. 28/7/93-LAB

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act, 14 of 1947).

By order and in the name of the Governor of Goa.

F. O. D'Costa, Under Secretary (Labour).

Panaji, 4th April, 1995.

IN THE INDUSTRIAL TRIBUNAL, GOVERNMENT OF GOA AT PANAJI

(Before Shri AJIT J. AGNI, Hon'ble Presiding Officer)

Ref. No. IT/23/93

Shri Ashok S. Shirodkar,
Curchorem-Goa.

— Workman/party II

V/s

M/s. Safe Security, Margao-Goa.

— Employer/party II

Party I absent.

Party II represented by Adv. B. G. Kamat.

Panaji, dated. 15-3-1995

AWARD

In exercise of the powers conferred by clause (d) of Sub. Sec. (1) of Sec. 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) the Government of Goa by order dated 9-3-93 bearing No. 28/7/93-LAB referred the following dispute for adjudication by this Tribunal.

"Whether the action of the management of M/s Safe Security Margao, in terminating the services of Shri Ashok S. Shirodkar with effect from 11-2-1992 is legal and justified

If not, to which relief the workman is entitled?"

2. On receipt of the reference, a case was registered under No. IT/23/93 and Registered A/D notice was issued to the parties. In pursuance to the said notice, Party I (For Short, 'Workman') appeared in person and the Party II (For short, 'Employer') was represented by Adv. B. G. Kamat. On 27-7-1994 when the case was fixed for filing of the statement of claim by the workman, the workman appeared in person and prayed for time. Accordingly, the case was adjourned and fixed on 13-9-94 for filing of the statement of claim by the workman. However, on the said date also, the workman appeared in person and prayed for further time which was granted and the case was adjourned to 14-10-94 for filing claim statement by the workman. However, on this date also, the workman appeared in person and prayed for more time which was granted and accordingly the case was fixed on 31-10-94 at 10.30 a. m. for filing of the statement of claim by the workman. On this date i. e. on 31-10-94 the workman did not appear and therefore the case was adjourned to 2-12-94 at 10.30 a. m. However, on this date as well as on the subsequent dates i. e. on 10-1-95 and 30-1-95 the workman did not appear and also no statement of claim was filed on his behalf. However, on 30-1-95 Adv. B. G. Kamat appeared on behalf of the Employer and filed an application Exb. 4. In the said application, the Employer submitted that the dispute is referred by the Government on the allegations of the workman that the termination of his services by the Employer was illegal. The Employer further contended that the workman did not file any statement of claim giving details of the allegations constituting the illegality in the said order of termination. The Employer relied upon the decision of the Delhi High Court in the case of Lachman Das v/s Indian Express Newspapers (Bombay) Pvt. Ltd. reported in 1977 Lab. I. C. 823 on the point that the word, "Illegal" has a very wide significance and that the said word is to be understood in the context of the allegations of facts constituting a particular kind of illegality pleaded. The Employer contended that since no statement of claim has been filed by the workman, nothing survives for adjudication pertaining to the legality or justification of order of termination dated 11-2-92. The Employer therefore prayed that the reference be rejected.

3. It is true that the reference of the dispute has been made by the State Government at the instance of the workman since he challenged the order of termination of his service by the Employer and as such raised an Industrial dispute. It is now well settled that if a party challenges the legality of an order, the burden lies upon that party to prove the illegality of the said order. In the case of V. K. Raj Industries v/s Labour Court (1) & Others reported in 1981 (29) FLR page 194 the Allahabad High Court has held that the proceedings before the Industrial Court are judicial in nature even though the Indian Evidence Act is not applicable to the proceedings before the Industrial Court, but the principles underlying the said Act are applicable. The High Court has further held that it is well settled that if a party Challenges the validity of an order, the burden lies upon him to prove the illegality of the order and if no evidence is produced the party

invoking jurisdiction must fail. The High Court has also held that if the workman fails to appear or to file written statement or produce evidence, the dispute referred by the State Government cannot be answered in favour of the workman and he would not be entitled to any relief. I entirely agree with the said decision of the Allahabad High Court.

4. In the present case, since the dispute was raised by the and that it is at the his instance that the reference was made by the Government, the burden was on the workman to prove that the order of termination of his services was illegal and unjustified. However, the workman inspite of having been given several opportunities to file the statement of claim did not do so nor produced any evidence. Therefore, there is no material before me to hold that the order of termination passed by the Employer was illegal or unjustified. In the absence of any evidence it cannot be held that the order of termination of service is illegal. In the circumstances, I hold that the workman has failed to prove that the action of the Employer in terminating the service of the workman is illegal and unjustified and hence I pass the following order.

Order

It is hereby held that the action of the Management of M/s Safe Security, Margao, in terminating the services of the workman Shri Ashok S. Shirodkar w. e. f. 11-2-1992 is legal and justified.

There shall be no order as to costs. Inform the Govt. accordingly.

Sd/-

AJIT J. AGNI
Presiding Officer
Industrial Tribunal

Order

No. 28/11/93-LAB

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

F. O. D'Costa, Under Secretary (Labour).

Panaji, 4th April, 1995.

IN THE INDUSTRIAL TRIBUNAL, GOVERNMENT OF GOA AT PANAJI

(Before Shri AJIT J. AGNI, Hon'ble Presiding Officer)

Ref. No. IT/33/93

Workmen rep. by Gomantak — Workmen/party I
Mazdoor Sangh.

V/s

1. M/s Shree Tirumala Services — Employer/party II
Contractor.

2. M/s Goa Shipyard Ltd., — Employer/party II
Vasco-da-Gama-Goa.

Party I represented by Shri P. Gaonkar.

Party II (1) represented by Adv. S. N. Karmali.

Party II (2) represented by Adv. M. S. Bhandodkar.

Panaji, 26th February, 1995.

A W A R D

In exercise of the powers conferred by clause (d) of Sub-Section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) the Government of Goa, by order dated 20-4-1993 bearing No. 28/11/93-LAB referred the following dispute for adjudication by this Tribunal.

"Whether the action of the principal employer M/s Goa Shipyard Ltd. in prohibiting entry to the following workmen from the dates shown against their respective names, amounts to refusal of employment by the Contractor M/s Shree Tirumala Services.

- | | |
|-----------------------------|-----------|
| (1) Shri Laxmikant Olekar | 23-6-1992 |
| (2) Shri Gurunath M. H. | 23-6-1992 |
| (3) Shri Ramesh Kholkar | 1-7-1992 |
| (4) Shri Laxmikant Morajkar | 1-7-1992 |

If not, to what relief the workmen are entitled?"

2. On receipt of the reference a case was registered under No. IT/33/93 and registered A. D. notice was issued to the parties. In pursuance to the said notice, parties put in their appearance. The Party I (For short, 'Workmen') filed a statement of claim on 5-1-1995 and thereafter the case was fixed for filing of the written statement by the Party II (1) (For short, 'Contractor') and Party II (2) (For short, 'Employer'). On 24-2-1995, Shri P. Gaonkar representing the workmen, Shri M. Channaiyya, Power of Attorney of the Contractor and Adv. M. S. Bhandodkar representing the Employer appeared and submitted that the dispute between the parties was amicably settled and filed the Memo of settlement Exb. 5 duly signed by the parties. Shri M. Channaiyya, the Power of Attorney of the Contractor also filed the copy of Power of Attorney executed in his favour by the Proprietor of the Contractor. The parties also filed an application Praying that consent award be passed in terms of the settlement. I have gone through the Memo of settlement dated 19-2-1995 — Exb. 5 and I find that the settlement arrived at is certainly in the interest of the workmen. I, therefore, accept the submissions made by the parties and pass the consent award in terms of the settlement dated 19-2-1995 Exb. 5.

ORDER

- It is agreed by and between the parties that the management of M/s. Shree Tirumala services, Zuari Nagar shall reinstate the following workmen in their services w. e. f. 20-2-1995 with continuity of service at Goa Shipyard Ltd.
 - Shri Ramesh Kholkar, 2. Shri Laxmikant Morajkar,
 - Shri Gurunath M. H., & 4. Shri Laximan Olekar.
- It is agreed between the parties that for the intervening period from 1st, July, 1992 to 19-2-1995 shall be treated as continuous service and the management of Tirumala Services shall pay them a consolidated sum of Rs. 36,000/- (Rupees thirty six thousand only) to the four workmen, as an exgratia payment, which shall be distributed among them through the Union, within 15 days from the date of signing of this settlement.

No order as to costs. Inform the Government accordingly.

Sd/-

(AJIT J. AGNI)
Presiding Officer
Industrial Tribunal